

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

No. 2:14-CV-01038-JCC

**DECLARATION OF HARRY H.  
SCHNEIDER, JR., IN SUPPORT OF  
AMAZON.COM, INC.'S RESPONSE  
TO THE FTC'S MOTION TO SEAL**

NOTED ON MOTION CALENDAR:

Friday, February 12, 2016

I, Harry H. Schneider, Jr., declare as follows

1. I am an attorney at Perkins Coie LLP and one of the attorneys representing Amazon.com, Inc. ("Amazon") in this matter. I make this declaration based upon personal knowledge as to which I am competent to testify.

2. On February 1, I met and conferred with counsel for the FTC regarding the exhibits the FTC intended to file under seal in support of its Motion for Summary Judgment and Motion in Limine. During the meeting, the FTC identified one document it intended to file under seal but otherwise declined to identify specific documents or testimony it would be filing under seal. Instead, the FTC identified broad categories of documents it would be including in its filings, such as documents produced by Amazon in this case (more than half a million pages of documents) and transcripts of the depositions of 18 Amazon witnesses. As a result, Amazon could not consider re-designating or propose redacted versions of any of those documents or

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1 testimony in advance of the FTC's filings the next day.

2 3. With respect to the single document the FTC identified (produced by a third  
3 party), Amazon promptly reviewed and agreed that it could be filed publicly without redaction.

4 4. The FTC also informed Amazon that it would be filing reports of Amazon's  
5 expert witnesses. Amazon promptly re-reviewed the reports and informed the FTC that only  
6 one expert report need be filed under seal. In doing so, Amazon reminded the FTC that it had  
7 never designated as confidential two of those reports and had already filed publicly two others.

8 5. The FTC filed its Motion for Summary Judgment and Motion in Limine the  
9 following day. The FTC filed 80 exhibits under seal and redacted one document. Amazon now  
10 has had the opportunity to review those exhibits to determine which exhibits or portions of  
11 exhibits it believes should remain under seal.

12 6. Amazon has carefully applied redactions to the following exhibits to minimize the  
13 amount of information maintained under seal: Exhibits 11, 12, 15, 17, 30, 52, 53, 54, 61, 62,  
14 92, 112, 121, 123, 141, 145, 154, 202, 337, 339, 340, 500, 502, 503, 504, 505, 508, 509, 510,  
15 and 511. The redacted versions of these exhibits and documents are attached as **Exhibit A**.

16 7. Amazon has reviewed and substantially reduced the redactions applied by the  
17 FTC to the following documents: the FTC's Motion for Summary Judgment (Dkt. 109), the  
18 Declaration of Julie Beth Miller (Dkt. 110), the Declaration of Elizabeth Kwok (Dkt. 111), and  
19 the FTC's Motion in Limine to Exclude Expert Testimony (Dkt. 112). The revised redacted  
20 versions of these and documents are attached as **Exhibit B**.

21 8. Amazon has de-designated the following exhibits and agrees these exhibits do not  
22 need to be maintained under seal: Exhibits 14, 28, 31, 44, 130, 160, 176, 179, 180, 186, 209,  
23 218, 302, 305, 308, 350, 354, 355, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485,  
24 486, 487, 501, 506, 507, 520, and 526. (Note that Amazon received third-party Exhibits 474 to  
25 487 in redacted form. Amazon has not made any further redactions to those exhibits.) A copy  
26 of these unredacted exhibits is attached as **Exhibit C**.

EXECUTED at Seattle, Washington, this 10th day of February, 2016.

Harry H. Schneider, Jr.

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**CERTIFICATE OF SERVICE**

I certify that on February 10, 2016, I electronically filed the foregoing Declaration of Harry H. Schneider, Jr., In Support of Amazon's Response to the FTC's Motion to Seal with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to attorneys of record.

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 10th day of February, 2016.

s/ Harry H. Schneider, Jr.

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